

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0958-AIR-E TCEQ ID: RN100210319 CASE NO.: 36026
RESPONDENT NAME: EQUICSTAR CHEMICALS, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 1515 Miller Cut-Off Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Polymer manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Air Enforcement Section, MC 219, (512) 239-0321 TCEQ Regional Contact: Mr. Manuel Bautista, Houston Regional Office, MC R-12, (713) 767-3678 TCEQ Bankruptcy: Ms. Denise Hubert, Bankruptcy Program Manager, MC 132, (512) 239-6812 Respondent: Mr. Michael D. Wobser, Plant Manager, Equistar Chemicals, LP, 1515 Miller Cut-Off Road, La Porte, Texas 77571 Respondent's Attorney: Ms. Jennifer Keane, Baker Botts, L.L.P., 98 San Jacinto Blvd., Suite 1500, Austin, TX 78701</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Dates of Investigation Relating to this Case: April 14, 2008, April 23, 2008, May 5, 2008, May 30, 2008 and August 11, 2008</p> <p>Dates of NOEs Relating to this Case: July 3, 2008, July 14, 2008, July 26, 2008 and September 4, 2008</p> <p>Background Facts: The EDRP was filed February 4, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on August 24, 2009.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation certifying compliance</p> <p>AIR:</p> <p>1. Failed to prevent unauthorized emissions at the Olefins Unit. Specifically, a high differential pressure in the Acetylene Absorber at the Olefins Unit caused an unauthorized emissions event which lasted for 11 hours and released 5,538 pounds of carbon monoxide, 4,098 pounds of ethylene, 985 pounds of nitrogen oxide, 79 pounds of nitrogen dioxide, 37.6 pounds of propane, 37 pounds of propylene, and 13 pounds of acetylene [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 18979, Special Condition ("SC") No. 1].</p> <p>2. Failed to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 7, 2008, the failure of the thermocouple cable to the secondary compressor (C4202) at the AB3 Unit caused an unauthorized emissions event which lasted for one minute and released 627 pounds of ethylene, one pound of propylene, and six pounds of nitrogen oxide [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 4477, SC No. 1].</p>	<p>Total Assessed: \$51,857</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$0/\$51,857</p> <p>On January 6, 2009, the Respondent filed for bankruptcy protection in the Southern District of New York. TCEQ has an allowed general unsecured claim for \$51,857. The Respondent has not actually paid any of the assessed penalty but may be required to do so under the terms of this Order upon judicial determination specifically holding that the debt is non-dischargeable under Federal bankruptcy laws (11 USC § 523(a)(7)), or until the bankruptcy case has been dismissed.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken: The Executive recognizes that on May 30, 2008, Respondent developed policies and procedures to prevent the recurrence of similar violations at the AB3 Unit.</p> <p>Ordering Provision(s): The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Establish and implement procedures to prevent a high differential pressure in the acetylene absorber;</p> <p>b. Establish and implement procedures to inspect and maintain temperature probes for the secondary compressor (C4202);</p> <p>c. Establish and implement procedures to inspect and maintain the thermocouple cable serving the secondary compressor (C4202); and</p> <p>d. Establish and implement procedures to ensure an adequate electrical power supply to the Olefins Unit.</p> <p>2. Within 45 days, submit written certification demonstrating compliance.</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 19, 2008, the failure of an AMOT temperature probe at the secondary compressor (C4202) at the AB3 Unit caused an unauthorized emissions event which lasted for one hour and 32 minutes and released six pounds of carbon monoxide, six pounds of ethylene, and one pound of nitrogen oxide at the L3 Flare. In addition, 801 pounds of ethylene, 87 pounds of polymer, and five pounds of propylene were released at the L3RX Vent [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 4477, SC No. 1].</p>		
<p>4. Failed to prevent unauthorized emissions at the Olefins Unit. Specifically, on May 15, 2008, an electrical power outage at the Olefins Unit caused an unauthorized emissions event which lasted for 96 hours and five minutes and released 37.7 pounds of acetylene, 123.4 pounds of ethane, 515.7 pounds of ethylene, 493 pounds of methane, 4.4 pounds of propylene, 1,348.4 pounds of carbon monoxide, 225.5 pounds of nitrogen dioxide and 11.9 pounds of nitrogen oxide at the ARU Flare. In addition, 110.7 pounds of 1,3- butadiene, ten pounds of acetylene, 100 pounds of benzene, 115 pounds of butane, 32.5 pounds of butene, 842.5 pounds of ethane, 3,068 pounds of ethylene, 842.5 pounds of methane, 100 percent opacity, 125 pounds of pentane, 527 pounds of propane, 1,570 pounds of propylene, 10,502 pounds of carbon monoxide, 98.8 pounds of nitrogen dioxide, and 1,877 pounds of nitrogen oxide were released at the Elevated Flare [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 18978, SC No. 1].</p>		
<p>5. Failed to provide additional information requested within the time frame established by the request. [30 TEX. ADMIN. CODE § 101.201(f)].</p>		
<p>6. Failed to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 22, 2008, the C4202 secondary compressor in the AB3 Unit shutdown, resulting in an unauthorized emissions event which lasted for one hour and eight minutes and released 1,843 pounds of ethylene and 20 pounds of propylene [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 4477, SC No. 1].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	31-Jul-2008	Screening	5-Aug-2008	EPA Due	27-Apr-2009
	PCW	24-Mar-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Equistar Chemicals, LP
Reg. Ent. Ref. No.	RN100210319
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36026	No. of Violations	6
Docket No.	2008-0958-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harvey Wilson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7**

Notes
 An enhancement is recommended because the Respondent has previously received four Findings Orders without denial, three Agreed Orders with denial of liability, 29 NOVs for violations that were the same or similar to the current violation, 30 NOVs for violations that were not similar to the current violation, and has submitted eight Notices of Intent Letters.

Culpability **Subtotal 4**

Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **Subtotal 6**

Total EB Amounts	\$1,111
Approx. Cost of Compliance	\$21,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
 Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	29	145%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 357%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

An enhancement is recommended because the Respondent has previously received four Findings Orders without denial, three Agreed Orders with denial of liability, 29 NOVs for violations that were the same or similar to the current violation, 30 NOVs for violations that were not similar to the current violation, and has submitted eight Notices of Intent Letters.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 357%

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) Air Permit No. 18978 Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions at the Olefins Unit. Specifically, on March 30, 2008, a high differential pressure in the Acetylene Absorber caused an unauthorized emissions event which lasted for 11 hours and released 5,538 pounds of carbon monoxide, 4,098 pounds of ethylene, 985 pounds of nitrogen oxide, 79 pounds of nitrogen dioxide, 37.6 pounds of propane, 37 pounds of propylene, and 13 pounds of acetylene. Because sufficient details surrounding the nature of the root cause were not provided, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222(b) and the emissions event is not eligible for an affirmative defense.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (50%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily (x), monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$5,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (x), (mark with x).

Notes The Respondent does not meet good faith criteria.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$294

Violation Final Penalty Total \$22,850

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 36026
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$5,000	30-Mar-2008	31-Jan-2009	0.84	\$14	\$280	\$294
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated additional cost of inspecting and maintaining the acetylene absorber prior to the feed gas stream going to the QE-1's C2 splitter. Date Required is the date of the violation. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$294

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 2

Rule Cite(s) Air Permit No. 4477 Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 7, 2008, the failure of the thermocouple cable to the Secondary Compressor (C4202) caused an unauthorized emissions event which lasted for 1 minute and released 627 pounds of ethylene, 1 pound of propylene, and 6 pounds of nitrogen oxide. Because sufficient details surrounding the nature of the root cause were not provided, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222(b) and the emissions event is not eligible for an affirmative defense.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$287

Violation Final Penalty Total \$11,425

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 36026
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$5,000	7-Apr-2008	31-Jan-2009	0.82	\$14	\$273	\$287
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated additional cost of inspecting and maintaining the main thermocouple cable. Date Required is the date of the violation. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL:

\$287

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 3

Rule Cite(s) Air Permit No. 4477 Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 19, 2008, the failure of an AMOT temperature probe at the Secondary Compressor (C4202) caused an unauthorized emissions event which lasted for 1 hour and 32 minutes released 6 pounds of carbon monoxide, 6 pounds of ethylene, and 1 pound of nitrogen oxide at the L3 Flare. In addition, 801 pounds of ethylene, 87 pounds of polymer, and 5 pounds of propylene were released at the L3RX Vent. Because sufficient details surrounding the nature of the root cause were not provided, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222(b) and the emissions event is not eligible for an affirmative defense.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$11,425

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 36026
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$5,000	19-Apr-2008	31-Jan-2009	0.79	\$13	\$262	\$275
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated additional cost of inspecting and maintaining the AMOT temperature probes at the secondary compressor (C4202) at the AB3 Unit. Date Required is the date of the violation. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$275

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 4

Rule Cite(s) Air Permit No. 18978 Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions at the Olefins Unit. On May 15, 2008, an electrical power outage at the unit caused an unauthorized emissions event which lasted for 96 hours and 5 minutes and released 37.7 pounds of acetylene, 123.4 pounds of ethane, 515.7 pounds of ethylene, 493 pounds of methane, 4.4 pounds of propylene, 1,348.4 pounds of carbon monoxide, 225.5 pounds of nitrogen dioxide, and 11.9 pounds of nitrogen oxide at the ARU Flare. In addition, 110.7 pounds of 1,3-butadiene, 10 pounds of acetylene, 100 pounds of benzene, 115 pounds of butane, 32.5 pounds of butene, 842.5 pounds of ethane, 3,068 pounds of ethylene, 842.5 pounds of methane, 100 percent opacity, 125 pounds of pentane, 527 pounds of propane, 1,570 pounds of propylene, 10,502 pounds of carbon monoxide, 98.8 pounds of nitrogen dioxide, and 1,877 pounds of nitrogen oxide was released at the Elevated Flare. Because sufficient details surrounding the nature of the root cause were not provided, the event does not meet the demonstrations in 30 Tex. Admin. Code § 101.222(b) and the event is not eligible for an affirmative defense.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 5 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$11,425

This violation Final Assessed Penalty (adjusted for limits) \$11,425

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 36026
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment	\$5,000	15-May-2008	31-Jan-2009	0.72	\$12	\$238	\$250
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated additional cost of inspecting and maintaining the power supply for the Olefins Unit. Date Required is the date the violation occurred. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$250

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 101.201(f)

Violation Description Failed to provide additional information requested within the time frame established by the request. Specifically, additional information was requested on May 30, 2008. The deadline for receipt of the requested information was June 13, 2008. The information was received on June 17, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 4 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$25

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The information was provided on June 17, 2008 and the NOE was dated July 31, 2008.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$432

This violation Final Assessed Penalty (adjusted for limits) \$432

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP

Case ID No. 36026

Reg. Ent. Reference No. RN100210319

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	13-Jun-2008	17-Jun-2008	0.01	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of providing the requested information. Date Required is the date the violation occurred.
Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 5-Aug-2008

Docket No. 2008-0958-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 36026

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 6

Rule Cite(s) Air Permit No. 4477 Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during an investigation conducted August 11, 2008. Specifically, the Respondent failed to prevent the shutdown of the C-4202 Secondary Compressor in the AB3 Unit on April 22, 2008, resulting in an unauthorized emissions event which lasted for one hour and eight minutes and released 1,843 pounds of ethylene and 20 pounds of propylene. Since the emission event was avoidable due to deficient maintenance practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

On or before May 30, 2008, compliance was achieved.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Equistar Chemicals, LP
Case ID No.: 36026
Reg. Ent. Reference No.: RN100210319
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$750	22-Apr-2008	30-May-2008	0.10	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of developing policies and procedures to prevent the occurrence of similar violations. Date Required is the date of the emission event. Final Date is the date the maintenance procedures were modified.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$4

IHW CORRECTIVE ACTION SOLID WASTE 85436
REGISTRATION # (SWR)
IHW CORRECTIVE ACTION PERMIT 50383

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571 Rating Date: 9/1/2007 Repeat

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 05, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 05, 2003 to June 05, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Harvey Wilson Phone: 239-0321

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- 1 Effective Date: 01/08/2004 ADMINORDER 2003-0630-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to include the authorized emission limits on the initial and final emission events reports.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: Failure to control emission of air contaminants as provided in General Condition No. 8 and Special Condition No. 1 of TCEQ Air Permit No. 18978.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(e)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to car-seal close the valve on the waste gas stream line to the incinerator which has the potential to bleed a 2-foot section of pipe between the valves to the atmosphere.
- 2 Effective Date: 04/05/2004 ADMINORDER 2003-0117-IWD-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Not specified PERMIT
Description: Failure to comply with permitted effluent limits at Outfall 003.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Not specified PERMIT
Description: Failed to report, in writing, effluent violations deviating from permitted limits by more than 40% within five days of becoming aware of the violations.
- 3 Effective Date: 12/02/2006 ADMINORDER 2006-0295-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: No.18978, Special Condition No. 1 PERMIT
Description: Equistar failed to maintain an emission rate below the allowable emission limits.
- 4 Effective Date: 08/10/2007 ADMINORDER 2006-1232-AIR-E
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 18978, Special Condition. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: no # 4477 SP #1 PERMIT

Description: Failed to prevent unauthorized emissions.

5

Effective Date: 08/10/2007

ADMINORDER 2006-1932-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic compounds ("HRVOC") hourly cap.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: # 18978 Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #4477, SC#1 PA

Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

6

Effective Date: 02/25/2008

ADMINORDER 2007-0519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978 PA
Special Condition 1 PERMIT

Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978, Special Condition 1 PA
Special condition 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions.

7 Effective Date: 04/03/2008 ADMINORDER 2007-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC No.1 PERMIT
TCEQ AIR PERMIT #18978, SC1 PERMIT

Description: Equistar failed to control unauthorized emissions on December 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PA
Description: Failed to control unauthorized emissions on March 4, 2006

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/24/2003	(235414)
2	06/27/2003	(35753)
3	08/25/2003	(327913)
4	08/29/2003	(149537)
5	09/22/2003	(327914)
6	10/21/2003	(327915)
7	10/22/2003	(252907)
8	11/05/2003	(249524)
9	11/25/2003	(327916)
10	12/29/2003	(327917)
11	02/24/2004	(327907)
12	03/11/2004	(260161)
13	04/05/2004	(253748)
14	04/13/2004	(333148)
15	04/22/2004	(327909)
16	04/22/2004	(327912)
17	04/28/2004	(327918)
18	05/24/2004	(327910)
19	06/16/2004	(272074)
20	06/16/2004	(271984)
21	06/21/2004	(327911)
22	07/01/2004	(333149)
23	07/12/2004	(271763)
24	08/13/2004	(250482)
25	08/16/2004	(367337)
26	08/16/2004	(367341)
27	08/26/2004	(254149)
28	08/27/2004	(250439)
29	08/31/2004	(290544)
30	08/31/2004	(272519)
31	08/31/2004	(270004)
32	08/31/2004	(271406)
33	08/31/2004	(270110)

34	08/31/2004	(273293)
35	08/31/2004	(280376)
36	09/23/2004	(367338)
37	10/18/2004	(335439)
38	10/20/2004	(367339)
39	10/25/2004	(291882)
40	10/26/2004	(336354)
41	10/31/2004	(288355)
42	11/11/2004	(290530)
43	11/12/2004	(338008)
44	11/29/2004	(367340)
45	12/10/2004	(253708)
46	12/10/2004	(276453)
47	12/10/2004	(285085)
48	12/13/2004	(291053)
49	12/20/2004	(339171)
50	12/20/2004	(285304)
51	12/21/2004	(289537)
52	12/21/2004	(284737)
53	12/21/2004	(338825)
54	12/21/2004	(338830)
55	12/21/2004	(289814)
56	12/21/2004	(287807)
57	12/22/2004	(340087)
58	12/22/2004	(340088)
59	12/22/2004	(340090)
60	12/22/2004	(272306)
61	12/27/2004	(338823)
62	12/27/2004	(338826)
63	12/27/2004	(390239)
64	12/28/2004	(288900)
65	12/28/2004	(274165)
66	12/28/2004	(340085)
67	12/28/2004	(275757)
68	12/28/2004	(287579)
69	12/28/2004	(342437)
70	12/28/2004	(275765)
71	12/30/2004	(339169)
72	12/31/2004	(339170)
73	01/04/2005	(275598)
74	01/05/2005	(342314)
75	01/05/2005	(288752)
76	01/06/2005	(286945)
77	01/06/2005	(346266)
78	01/07/2005	(345093)
79	01/07/2005	(340854)
80	01/10/2005	(275036)
81	01/26/2005	(347775)
82	02/14/2005	(345107)
83	02/14/2005	(345108)
84	02/14/2005	(345109)
85	02/23/2005	(390238)
86	02/25/2005	(347533)
87	02/25/2005	(347508)
88	02/28/2005	(350647)
89	03/16/2005	(372522)
90	03/18/2005	(372086)
91	03/21/2005	(427694)
92	03/31/2005	(348992)
93	04/20/2005	(350846)
94	04/22/2005	(348993)
95	04/25/2005	(427695)
96	04/25/2005	(427698)

97	04/27/2005	(377666)
98	05/02/2005	(379027)
99	05/02/2005	(379023)
100	05/02/2005	(379025)
101	05/11/2005	(378796)
102	05/11/2005	(380586)
103	05/24/2005	(427696)
104	06/16/2005	(371763)
105	06/23/2005	(427697)
106	07/06/2005	(398300)
107	07/08/2005	(397169)
108	07/08/2005	(397159)
109	07/08/2005	(397164)
110	07/29/2005	(400016)
111	07/29/2005	(402225)
112	08/03/2005	(402565)
113	08/08/2005	(404125)
114	08/09/2005	(402106)
115	08/10/2005	(404030)
116	08/19/2005	(404431)
117	08/23/2005	(404501)
118	08/23/2005	(447751)
119	08/24/2005	(405380)
120	08/24/2005	(392722)
121	08/25/2005	(405740)
122	08/30/2005	(404242)
123	09/14/2005	(431715)
124	09/21/2005	(431539)
125	09/23/2005	(447752)
126	10/26/2005	(492909)
127	10/26/2005	(492906)
128	11/21/2005	(435080)
129	11/21/2005	(433841)
130	11/28/2005	(492907)
131	12/21/2005	(492908)
132	01/20/2006	(439064)
133	01/20/2006	(439066)
134	01/26/2006	(431992)
135	02/02/2006	(439522)
136	02/02/2006	(439633)
137	02/02/2006	(439295)
138	02/15/2006	(439561)
139	02/21/2006	(453963)
140	02/22/2006	(432284)
141	02/22/2006	(492904)
142	02/23/2006	(455883)
143	02/24/2006	(451235)
144	02/25/2006	(456913)
145	02/28/2006	(456463)
146	02/28/2006	(457167)
147	02/28/2006	(457026)
148	03/08/2006	(454488)
149	03/13/2006	(458226)
150	03/16/2006	(454636)
151	03/16/2006	(454029)
152	03/16/2006	(454588)
153	03/16/2006	(455964)
154	03/23/2006	(492905)
155	04/19/2006	(462735)
156	04/24/2006	(506468)
157	04/26/2006	(455073)
158	05/25/2006	(506469)
159	05/25/2006	(463280)

160	05/26/2006	(467379)
161	05/26/2006	(467396)
162	05/26/2006	(467382)
163	05/26/2006	(467363)
164	05/26/2006	(467391)
165	05/26/2006	(467375)
166	05/31/2006	(466933)
167	06/21/2006	(462913)
168	06/21/2006	(481795)
169	06/22/2006	(483443)
170	06/26/2006	(506470)
171	06/27/2006	(455405)
172	06/27/2006	(455404)
173	06/29/2006	(484570)
174	06/30/2006	(483762)
175	07/11/2006	(484826)
176	07/14/2006	(486946)
177	07/17/2006	(485587)
178	07/17/2006	(485923)
179	07/19/2006	(506471)
180	08/07/2006	(345081)
181	08/08/2006	(485874)
182	08/09/2006	(490279)
183	08/11/2006	(467626)
184	08/11/2006	(467635)
185	08/18/2006	(528685)
186	08/23/2006	(458894)
187	09/05/2006	(488651)
188	09/05/2006	(488631)
189	09/08/2006	(497595)
190	09/19/2006	(528686)
191	09/19/2006	(528687)
192	10/20/2006	(516566)
193	10/20/2006	(516554)
194	10/20/2006	(516121)
195	10/31/2006	(517252)
196	11/16/2006	(519602)
197	11/17/2006	(516921)
198	11/20/2006	(514502)
199	11/20/2006	(551952)
200	12/11/2006	(531680)
201	12/13/2006	(533373)
202	12/18/2006	(517871)
203	12/20/2006	(551953)
204	01/19/2007	(551954)
205	01/19/2007	(531635)
206	01/26/2007	(535998)
207	02/05/2007	(531641)
208	02/16/2007	(532610)
209	02/20/2007	(536017)
210	02/20/2007	(551951)
211	02/26/2007	(532609)
212	03/05/2007	(542456)
213	03/20/2007	(536006)
214	03/20/2007	(532775)
215	03/20/2007	(589296)
216	04/05/2007	(542368)
217	04/05/2007	(542369)
218	04/05/2007	(542370)
219	04/12/2007	(554892)
220	04/12/2007	(532611)
221	04/19/2007	(589297)
222	05/11/2007	(462772)

223	05/14/2007	(534972)
224	05/15/2007	(558701)
225	05/17/2007	(589298)
226	05/31/2007	(561392)
227	06/01/2007	(554895)
228	06/20/2007	(589299)
229	07/09/2007	(532634)
230	07/10/2007	(565209)
231	07/12/2007	(558881)
232	07/13/2007	(559650)
233	07/18/2007	(565509)
234	07/19/2007	(589300)
235	07/25/2007	(563252)
236	08/20/2007	(605806)
237	08/28/2007	(570434)
238	09/06/2007	(605807)
239	09/07/2007	(571530)
240	09/20/2007	(605809)
241	09/28/2007	(594920)
242	10/09/2007	(594695)
243	10/09/2007	(571528)
244	10/11/2007	(594693)
245	10/15/2007	(594692)
246	10/15/2007	(594694)
247	10/15/2007	(594690)
248	10/19/2007	(605808)
249	11/15/2007	(594689)
250	11/16/2007	(597973)
251	11/20/2007	(631964)
252	11/27/2007	(570521)
253	12/10/2007	(610695)
254	12/11/2007	(609989)
255	12/11/2007	(610682)
256	12/12/2007	(609039)
257	12/12/2007	(598310)
258	12/20/2007	(631965)
259	12/20/2007	(612437)
260	01/14/2008	(613552)
261	01/15/2008	(614252)
262	01/17/2008	(610699)
263	01/24/2008	(610674)
264	01/25/2008	(613555)
265	01/25/2008	(613874)
266	01/25/2008	(613541)
267	01/25/2008	(613512)
268	01/25/2008	(614229)
269	01/25/2008	(613857)
270	01/28/2008	(598307)
271	01/29/2008	(609101)
272	02/08/2008	(612730)
273	02/13/2008	(612840)
274	02/19/2008	(677433)
275	02/28/2008	(618019)
276	03/10/2008	(616812)
277	03/19/2008	(677434)
278	03/31/2008	(636151)
279	04/01/2008	(616811)
280	04/03/2008	(619011)
281	04/06/2008	(637320)
282	04/07/2008	(639314)
283	04/07/2008	(641592)
284	04/10/2008	(677436)
285	04/10/2008	(677435)

286 04/22/2008 (638949)
 287 05/01/2008 (638959)
 288 05/07/2008 (638961)
 289 05/09/2008 (638778)
 290 05/16/2008 (641203)
 291 05/19/2008 (671026)
 292 05/28/2008 (638962)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1	Date: 06/30/2003 (235418) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
2	Date: 07/31/2003 (327913) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
3	Date: 08/31/2003 (327914) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
4	Date: 10/31/2003 (327916) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
5	Date: 02/29/2004 (327908) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
6	Date: 03/31/2004 (327909) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate
7	Date: 04/05/2004 (253748) Self Report? NO Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: PERMIT 18978, Special Condition No. 1 Description: Equistar exceeded VOC permit limits during an emissions event.	Classification: Moderate
8	Date: 04/13/2004 (333148) Self Report? NO Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4) Description: Equistar failed to properly report an emissions event.	Classification: Minor
9	Date: 04/30/2004 (327910) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Description: NON-RPT VIOS FOR MONIT PER OR PIPE	Classification: Moderate
10	Date: 05/31/2004 (327911) Self Report? YES	Classification: Moderate

	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
11	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	07/01/2004 (333149)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
12	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	Date:	07/15/2004 (271763)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT NSR Permit # 19109 Special Condition #11 PERMIT NSR Permit # 4477 Special Condition #7		
13	Description:	Failure to monitor using an approved method (Cosmo detector)		
	Date:	08/13/2004 (250482)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7		
	Description:	failed to monitor 23 valves in ethylene service using Method 21.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)		
	Description:	Failure to report some instances of deviations (CEMS down times & semiannual reporting) in the report dated December 15, 2003.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 117, SubChapter B 117.219(d)(3)		
	Description:	Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times.		
14	Date:	08/31/2004 (273293)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description:	Equistar failed to prevent pluggage of the impulse lines which resulted in a compressor shutdown.		
15	Date:	08/31/2004 (270110)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description:	Exceeded permit limits.		
16	Date:	12/13/2004 (253708)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA NSR Permit No. 4477		
	Description:	Equistar failed to re-calibrated the pressure transducers in the reactor system.		
17	Date:	12/13/2004 (291053)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #4477, SC #1		
	Description:	Equistar failed to change the seal air filters and properly conduct maintenance on the rental compressor equipment.		
18	Date:	12/20/2004 (339171)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #5226, SC#1		
	Description:	Equistar failed to maintain the normal operating pressure of the ethylene supply line causing the pressure relief valve to open.		
19	Date:	12/21/2004 (287807)		
	Self Report?	NO	Classification:	Moderate

20	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #4477, SC#1		
	Description:	Equistar failed to maintain the proper liquid level in the knockout drum.		
	Date:	12/30/2004 (338823)		
	Self Report?	NO	Classification:	Moderate
21	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit # 18978, SC #1		
	Description:	Equistar Chemicals, Inc. failed to maintain the set screws securing the secondary seal resulting in the failure of pump 3604JB.		
	Date:	12/31/2004 (367341)		
	Self Report?	YES	Classification:	Moderate
22	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	01/05/2005 (342314)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #18978, SC#4		
	Description:	Equistar failed to prevent the excess O2 valve from closing.		
23	Date:	01/06/2005 (275598)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #18978, SC#1		
	Description:	Equistar failed failed to prevent the over-pressurization of the depropanizer due to non-condensable impurities in the feed stream from an abnormal upstream process condition.		
24	Date:	03/16/2005 (372522)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #18978, SC#1		
	Description:	Lyondell/Equistar Chemicals, LP failed to open a 12" block valve required for F9 feed in prior to placing DMS in the furnace leading to the temporary poisoning of the MA/PD reactor.		
25	Date:	03/31/2005 (427695)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		
26	Date:	03/31/2005 (348992)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)		
	Description:	Failed to limit the VOC emissions from surface coating facility activities in three days during certification period in the XL unit/common areas.		
27	Date:	04/22/2005 (348993)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)		
	Description:	Failure to represent the emissions properly in the Permit Amendment Application dated September 17, 1999.		
	Self Report?	NO	Classification:	Minor
	Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
	Description:	Failure to monitor 11 valves in VOC service in the ABIII Units using 40 CFR part 60, Method 21		
	Self Report?	NO	Classification:	Minor

	Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(6)		
	Description:	Failure to repair the pumps in VOC service in the ABIII Units within 15 days and also make the first attempt of repair within five days		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT No. 4477, S.C. No.2 OP O-02225, S.C. 11.A		
	Description:	Failure to limit the production rates below the 31,300 lb/hr for five days during certification period in the ABIII Units.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
	Rqmt Prov:	PERMIT No. 4477, S.C. No. 11.E OP O-02225, S.C. No. 11.A		
	Description:	Failure to cap or plug 38 open ended lines in the ABIII units.		
	Self Report?	NO	Classification:	Minor
	Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)		
	Description:	Failure to include the total number of valves and pumps to the fugitive monitoring program (revisions) in the semiannual report for the period ending June 30, 2004.		
28	Date:	05/03/2005 (379025)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PA Permit#18978, SC #10A		
	Description:	The CEMS were not operated in the time shared mode as required. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.		
29	Date:	05/03/2005 (379027)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PA Permit#18978, SC - 10A		
	Description:	The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests. The CEMS were locked on one furnace for the nine-21 minute runs.		
30	Date:	05/03/2005 (379023)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PA Permit Nos. 18978, SC No. 10A		
	Description:	The CEMS were not operated in the time shared mode as required and were not certified. During the RATA, the CEMS were operated in a dedicated or locked mode for the tests.		
31	Date:	05/31/2005 (427697)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		
32	Date:	07/06/2005 (398300)		
	Self Report?	NO	Classification:	Minor
	Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)		
	Description:	Failure to completely seal the plug on the open ended lines.		
33	Date:	07/29/2005 (402225)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C)		
	Rqmt Prov:	OP O-02224, SC 1.A		
	Description:	Failure to monitor 24 valves in Volatile Organic Compound (VOC) service using Method 21.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)		
	Description:	Failure to report three instances of deviations (non reportable emissions events that occurred on January 22, January 26 and April 19, 2004) in the report dated June 21, 2004. The regulated entity submitted these deviations on September 30, 2004.		

	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)		
	Rqmt Prov:	OP O-02224, SC1.A		
	Description:	Failure to cap or plug three open ended lines and two valves at the end of the line in the utilities unit.		
34	Date:	08/08/2005 (404125)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
	Rqmt Prov:	PERMIT 18978 & PSD-TX-752M3, SC 13.F		
	Description:	Failure to monitor 31 valves in VOC service in the olefins unit using 40 CFR part 60, Method 21 within 30 days of addition to the HRVOC Service.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)		
	Description:	Failure to represent emissions from the Propylene Refrigeration Compressor, the Process Gas Compressor, and the Ethylene Refrigeration Compressor sour oil vents from olefins unit in the NSR Permit Application dated October 13, 2003.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT 18978 & PSD-TX-752M3 SC NO.13E		
	Description:	Failure to cap or plug 64 open ended lines in the olefins unit.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)		
	Description:	Failure to report some instances of deviations in the olefins unit in the report dated July 21, 2004. The regulated entity submitted these deviations on October 1, 2004.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT 18978 & PSD-TX-752M3, SC 16E		
	Description:	Failure to include the details regarding the CEMS down times (date, time, and nature of the system repairs) in the quarterly reports when CEMS down time exceeded more than 5% of the operating time as required by 40 CFR 60.7(c)(3) in the olefins unit for third quarter of 2004.		
35	Date:	08/10/2005 (402106)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #18978, SC#1		
	Description:	Failure to prevent a pinhole leak on the propylene dryer inlet drain piping.		
36	Date:	08/19/2005 (404431)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit No. 19109, SC#1		
	Description:	Failure to prevent an avoidable emissions event.		
37	Date:	08/24/2005 (392722)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PA TCEQ Air Permit #4477, SC#1		
	Description:	Lyondell-Equistar Chemicals, LP failed to prevent the C4202 secondary compressor shutdown.		
38	Date:	09/30/2005 (492906)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		

39 Date: 11/30/2005 (492908)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

40 Date: 12/31/2005 (492909)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

41 Date: 01/20/2006 (439064)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT NSR 4477, SC 2
OP O-02225, SC 11A
Description: It was determined that Equistar failed to maintain the maximum production rate at the ABIII Unit on January 1, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)
Rqmt Prov: OP O-02225, SC 1A
Description: It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).
It was determined that Equistar failed to check the sensors for six pumps on January 22, 2005. This constitutes a violation of 40 CFR 60.482-2(d)(5)(i).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PERMIT NSR 4477, SC 9E
OP O-02225, SC 11A
OP O-02225, SC 1A
Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 64 occasions in the fugitive area (L3FUG). This constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PERMIT NSR 5836, SC 1E
OP O-02225, SC 1A & SC 11A
Description: It was determined that Equistar failed to equip open-ended lines with a second valve, cap, or plug on 26 occasions in the fugitive area (MRUFUG). This
constitutes a violation of 30 TAC 115.352(4), 115.783(5), and 116.115(c), and 40 CFR 60.482-6(a)(1).
It was determined that Equistar failed to equip open-ended lines w

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
Description: It was determined that Equistar failed to satisfy the conditions of Permitted-by-Rule (PBR) 106.261 for the installation of a propylene seal pot in the ABIII Unit. This constitutes a violation of 30 TAC 116.110(a)(4).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR 4477, SC 1
OP O-02225, SC 1A & 11A

Description: Equistar failed to properly maintain VOC emissions from storage silos(L3SILOS) in the ABIII Unit on the following three occasions: 1,134 ppm on 10/8/04, 1,127 ppm on 4/11/05, and 1,158.6 ppm on 8/9/05.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT NSR 4477, SC 7B
OP O-02225, SC 11A

Description: It was determined that Equistar failed to continuously monitor the presence of flare pilot flames for the flare (L3Flare) on May 26 & 27, 2005. This constitutes a violation of 30 TAC 116.115(c).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.146(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O-02225, SC 5A

Description: It was determined that Equistar failed to maintain records on industrial wastewater streams as needed to demonstrate compliance with 30 TAC 115.142. This constitutes a violation of 30 TAC 115.146(1).

42 Date: 01/20/2006 (439066)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1A

Description: failure to monitor NOx emissions for Boilers G and H on 18 occasions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP SC 1A

Description: It was determined that Equistar failed to equip two open-ended lines with caps/plugs. This constitutes a violation of 30 TAC 115.352(4), 30 TAC 115.783(5), and 40 CFR 60.482-6(a)(1).
It was determined that Equistar failed to equip two open-ended lines with caps/plugs.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1A

Description: Equistar failed to operate diesel engines outside of the restricted hours between 6:00 a.m. and noon on two occasions. This constitutes a violation of 30 TAC 117.206(i).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1A

Description: Equistar failed to submit NOx ECT-1 Annual Report for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 101.359(a).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1A

Description: It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel Engines by the deadline of March 31, 2005. This constitutes a violation of 30 TAC 117.216(c).
It was determined that Equistar failed to submit NOx Final Report Plan for Boilers G and H, and Polymers Diesel

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT SC 1
OP SC 8
Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115(c).
It was determined that Equistar failed to properly maintain CO emissions from Boiler G on September 26, 2005. This constitutes a violation of 30 TAC 116.115

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 1
OP SC 8

Description: It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116.115(c).
It was determined that Equistar failed to properly maintain CO emissions from Boiler H on April 5 and 12, 2005. This constitutes a violation of 30 TAC 116

43 Date: 03/17/2006 (454588)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

44 Date: 03/17/2006 (454029)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 19109, Special Condition No. 1
Description: Equistar failed to prevent an avoidable emissions event.

45 Date: 03/17/2006 (454636)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(4)(B)(ii)

Description: Violation of 117.213 (e)(4)(B)(ii). Failed to operate the CEMS system in a time shared mode while conducting CEMS RATA.

46 Date: 08/29/2006 (458894)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter B 111.205(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Equistar failed to provide fire training notification for the training that occurred on October 6, 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Equistar failed to maintain visible emissions from a portable diesel lighting system south of AB3 flare within the 30% opacity limit on October 23, 2004.

47 Date: 10/31/2006 (551952)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

48 Date: 11/16/2006 (519602)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA TCEQ Permit #18978, SC#1

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include the permit number in the final report.

49 Date: 12/18/2006 (517871)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to perform the manganese oxide correction analysis.

50 Date: 02/16/2007 (532610)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02225, Special Condition 1.H
Description: Failure to install a continuous monitoring system for pressure relief valve V4229RV1.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 5836, Special Condition 4E
Description: Failure to seal open-ended lines containing volatile organic compounds.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02225, Special Condition 1.A.
Description: Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02225, Special Condition 8.A.(i)
Description: Failure to ensure a tank-truck being filled with VOCs had a current annual leak test.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 4477, Special Condition 3
OP O-02225, Special Condition 11.A
Description: Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 4477, Special Condition 9F
OP O-02225, Special Condition 11.A
Description: Failure to conduct valve monitoring for three consecutive quarters.

51 Date: 02/27/2007 (532609)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-02223, Special Condition 1.A.
Description: Failure of not repairing pumps seals within the six month deadline. (B19.g.(1))
Self Report? NO Classification: Moderate

Citation:	30 TAC Chapter 115, SubChapter D 115.354(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 1.A. OP O-02223, Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 13.H.		
Description:	Failure to place leaker tags on equipment designating it as leaking components.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 1.A.		
Description:	Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 1.A. OP O-02223, Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 13.E.		
Description:	Failure to seal open-ended lines in HRVOC and VOC service.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(d)(5) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit the CEMS downtime report in a timely manner.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter E 115.412(1)(A) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to keep the degreaser lid closed.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 6.A.(i)		
Description:	Failure to ensure trailers being filled with VOCs had a current annual leak test.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 1.A.		
Description:	Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)		
Description:	Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.214(b)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02223, Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 1		

	Description:	Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.110(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	OP O-02223, General Terms and Conditions		
	Description:	Failure to include two compressors in the MAERT as emission points. (B19.g.(1))		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	OP O-02223, Special Condition 3.A.(i)		
	Description:	Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	OP O-02223, Special Condition 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 1 PERMIT Permit 18978/PSD-TX-752M3, SC 3.B.		
	Description:	Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8, and 9. (Category B19.g.(1))		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	OP O-02223, SC 13.A. PERMIT Permit 18978/PSD-TX-752M3, SC 1 PERMIT Permit 18978/PSD-TX-752M3, SC 2.B. PERMIT Permit 18978/PSD-TX-752M3, SC 3.B.		
	Description:	Failure to prevent the exceedance of permitted allowables for Boilers A and B. (B19.g.(1))		
52	Date:	04/04/2007 (542370)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PA Permit #4477, Special Condition #1		
	Description:	Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/		
53	Date:	04/05/2007 (542368)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PA TCEQ Permit #4477, Special Condition #1		
	Description:	Failure to prevent the unauthorized emission of ethylene.		
54	Date:	05/24/2007 (558701)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PA Permit #18978		
	Description:	Failure to prevent the unauthorized emissions of HRVOC and VOC.		
55	Date:	07/09/2007 (532634)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 19109, SC 6A OP Title V Permit O-01606, SC 1A & SC 9A		

Description: failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V Permit O-01606

Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V Permit O-01606, SC 1A

Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V Permit O-01606, SC 1A

Description: failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V Permit O-01606, SC 1A

Description: failed to maintain operating limits established during the HRVOC emission test on four occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR Permit 19109, SE 12E
OP Title V Permit O-01606, SC 1A & 9A

Description: failed to equip open-ended lines with a plug or second valve on two occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR Permit 19109, SC 1
OP Title V Permit O-01606, SC 9A

Description: failed to maintain VOC emissions from railcar unloading to storage.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR Permit 19109, SC 7D
OP Title V Permit O-01606, SC 9A

Description: failed to continuously monitor the incinerator stack oxygen concentration on October 4, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

		5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 19109, SC 8		
		OP Title V Permit O-01606, SC 9A		
	Description:	failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March 31, 2006.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 19109, SC 2		
		OP Title V Permit O-01606, SC 9A		
	Description:	failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 19109, SC 1		
		OP Title V Permit O-01606, SC 9A		
	Description:	failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 lb/hr.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 19109, SC 9		
		OP Title V Permit O-01606, SC 9A		
	Description:	failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.		
56	Date:	07/10/2007 (565209)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT Permit #4477, Special Condition #1		
	Description:	Failure to prevent the lifting of safety relief valves which resulted in unauthorized emissions of ethylene to the atmosphere.		
57	Date:	10/31/2007 (631964)		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
58	Date:	11/16/2007 (597973)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT Permit #4477, Special Condition #1		
	Description:	Failure to block in the High Pressure Separator overhead valve resulting in unauthorized emissions.		
59	Date:	02/08/2008 (612730)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)		
	Rqmt Prov:	PERMIT Permit #4477, Special Condition #1		
	Description:	Failure to prevent the opening of the reactor vent to the atmosphere which resulted in the release of ethylene.		

F. Environmental audits.

- | | | | |
|---|------------------------|-------------------|----------|
| 1 | Notice of Intent Date: | 12/05/2003 | (263141) |
| | | No DOV Associated | |
| 2 | Notice of Intent Date: | 11/28/2006 | (534264) |
| | | No DOV Associated | |

- 3 Notice of Intent Date: 07/27/2007 (593661)
No DOV Associated
- 4 Notice of Intent Date: 07/31/2007 (593666)
No DOV Associated
- 5 Notice of Intent Date: 11/05/2007 (615486)
No DOV Associated
- 6 Notice of Intent Date: 11/05/2007 (615488)
No DOV Associated
- 7 Notice of Intent Date: 11/05/2007 (615489)
No DOV Associated
- 8 Notice of Intent Date: 04/22/2008 (681801)
No DOV Associated

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0958-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Equistar") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Equistar represented by Jennifer Keane of the law firm of BAKER BOTTS, L.L.P., appear before the Commission and together stipulate that:

1. Equistar owns and operates a polymer manufacturing plant at 1515 Miller Cut-Off Road in La Porte, Harris County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Equistar agree that the Commission has jurisdiction to enter this Agreed Order, and that Equistar is subject to the Commission's jurisdiction.
4. Equistar received notice of the violations alleged in Section II ("Allegations") on or about July 8, 2008, July 19, 2008, July 31, 2008, and September 9, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Equistar of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. On January 6, 2009, Equistar, together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court for the Southern

District of New York (the "Bankruptcy Court") a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the "Code"). In re Lyondell Chemical Company, et al., Case No. 09-10023 (REG) (Chapter 11) (Bankr. S.D.N.Y.) (the "Bankruptcy Case"). The automatic stay imposed by the Code (specifically, 11 U.S.C. § 362 (a)) does not apply to the commencement or continuation of an action or a proceeding by a governmental unit to enforce such governmental unit's police and regulatory power, including the enforcement of a judgment other than a money judgment obtained in such action or proceeding, by virtue of the exception provided in 11 U.S.C. § 362 (b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations, including the assessment of Equistar of the administrative penalty in the amount of fifty one thousand eight hundred fifty-seven (\$51,857) in settlement of the violations alleged in Section II ("Allegations"). TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law. Equistar agrees to stipulate that, in accordance with this Agreed Order, TCEQ shall have an allowed general unsecured claim in the amount of fifty one thousand eight hundred fifty-seven (\$51,857), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Equistar agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on May 30, 2008, Equistar developed policies and procedures to prevent the recurrence of similar violations at the AB3 Unit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Equistar has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on April 14, 2008, April 23, 2008, May 5, 2008, May 30, 2008 and August 11, 2008, a TCEQ Houston Regional Office investigator documented that Equistar violated:

- a. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 18978 Special Condition No. 1, by failing to prevent unauthorized emissions at the Olefins Unit. Specifically, a high differential pressure in the Acetylene Absorber at the Olefins Unit caused an unauthorized emissions event which lasted for 11 hours and released 5,538 pounds of carbon monoxide, 4,098 pounds of ethylene, 985 pounds of nitrogen oxide, 79 pounds of nitrogen dioxide, 37.6 pounds of propane, 37 pounds of propylene, and 13 pounds of acetylene. Since the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b), the emissions event is not eligible for an affirmative defense;
- b. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4477 Special Condition No. 1, by failing to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 7, 2008, the failure of the thermocouple cable to the secondary compressor (C4202) at the AB3 Unit caused an unauthorized emissions event which lasted for one minute and released 627 pounds of ethylene, one pound of propylene, and six pounds of nitrogen oxide. Since the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b), the emissions event is not eligible for an affirmative defense;
- c. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4477 Special Condition No. 1, by failing to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 19, 2008, the failure of an AMOT temperature probe at the secondary compressor (C4202) at the AB3 Unit caused an unauthorized emissions event which lasted for one hour and 32 minutes and released six pounds of carbon monoxide, six pounds of ethylene, and one pound of nitrogen oxide at the L3 Flare. In addition, 801 pounds of ethylene, 87 pounds of polymer, and five pounds of propylene were released at the L3RX Vent. Since the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b), the emissions event is not eligible for an affirmative defense;
- d. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 18978 Special Condition No. 1, by failing to prevent unauthorized emissions at the Olefins Unit. Specifically, on May 15, 2008, an electrical power outage at the Olefins Unit caused an unauthorized emissions event which lasted for 96 hours and five minutes and released 37.7 pounds of acetylene, 123.4 pounds of ethane, 515.7 pounds of ethylene, 493 pounds of methane, 4.4 pounds of propylene,

1,348.4 pounds of carbon monoxide, 225.5 pounds of nitrogen dioxide, and 11.9 pounds of nitrogen oxide at the ARU Flare. In addition, 110.7 pounds of 1,3-butadiene, ten pounds of acetylene, 100 pounds of benzene, 115 pounds of butane, 32.5 pounds of butene, 842.5 pounds of ethane, 3,068 pounds of ethylene, 842.5 pounds of methane, 100 percent opacity, 125 pounds of pentane, 527 pounds of propane, 1,570 pounds of propylene, 10,502 pounds of carbon monoxide, 98.8 pounds of nitrogen dioxide, and 1,877 pounds of nitrogen oxide were released at the Elevated Flare. Since the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b), the emissions event is not eligible for an affirmative defense;

- e. 30 TEX. ADMIN. CODE § 101.201(f), by failing to provide additional information requested within the time frame established by the request. Specifically, TCEQ staff requested additional information regarding the emissions event which occurred on May 15, 2008. The deadline for receipt of the requested information was June 13, 2008 and the information was received on June 17, 2008; and
- f. 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 4477 Special Condition No. 1 by failing to prevent unauthorized emissions at the AB3 Unit. Specifically, on April 22, 2008, the C4202 secondary compressor in the AB3 Unit shutdown, resulting in an unauthorized emissions event which lasted for one hour and eight minutes and released of 1,843 pounds of ethylene and 20 pounds of propylene. Since the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222(b), the emissions event is not eligible for an affirmative defense.

III. DENIALS

Equistar generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Equistar be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment of this administrative penalty and Equistar's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section 1, Paragraph 6 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in Equistar's bankruptcy case.

2. Equistar shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, Equistar shall:
 - i. Establish and implement procedures to prevent a high differential pressure in the acetylene absorber;
 - ii. Establish and implement procedures to inspect and maintain temperature probes for the secondary compressor (C4202);
 - iii. Establish and implement procedures to inspect and maintain the thermocouple cable serving the secondary compressor (C4202); and
 - iv. Establish and implement procedures to ensure an adequate electrical power supply to the Olefins Unit.
- b. Within 45 days after the effective date of this Agreed Order, Equistar shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

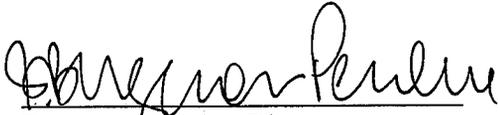
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Equistar. Equistar is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Equistar fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Equistar's failure to comply is not a violation of this Agreed Order. Equistar shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Equistar shall notify the Executive Director within seven days after Equistar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Equistar shall be made in writing to the Executive Director. Extensions are not effective until Equistar receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Equistar in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Equistar, or three days after the date on which the Commission mails notice of the Order to Equistar, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/14/09

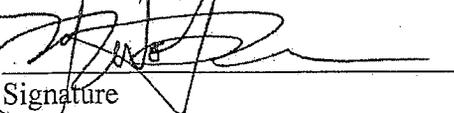
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order, may result in:

- A negative impact on Equistar's compliance history;
- Greater scrutiny of any permit applications submitted by Equistar;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees;
- Increased penalties in any future enforcement actions against Equistar;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Equistar; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8/24/09

Date

Michael D. Wobser

Name (Printed or typed)
Authorized representative of
Equistar Chemicals, LP

Plant Manager

Title
LaPorte Complex